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S72 no.76-022 ANALYSIS OF COASTAL PROGRAMS
SUMMARY

EW YORK SEA GRANT INSTITUTE

THIS BOOKLET SUMMARIZES governmental responsibilities in the coastal zone of New York State. One of the major problems facing those interested in coastal affairs is understanding the complex web of agencies and programs involved. For both of New York State's coastlines—along the Atlantic and along the Great Lakes—this publication outlines the work of every relevant agency: international, interstate and state, and regional.

THIS PUBLICATION IS A CONDENSATION of a longer report. It includes all illustrations and a shortened text. The full report describes agency programs in more detail, and lists agency addresses and phone numbers. It also contains a copy of the federal Coastal Zone Management Act of 1972.

Governmental Jurisdictions of the New York Coastal Zone: An Analysis of Coastal Programs. Paul D. Marr and Eugene K. Schuler, Jr. 116 pp, 15 figs, 3 appen. Aug 1976. \$2.50



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# Governmental Jurisdictions of the New York Coastal Zone

**AN ANALYSIS OF COASTAL PROGRAMS** 

### SUMMARY

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With the Assistance of

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August, 1976



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### INTRODUCTION

THE COASTAL AREAS of New York State have attracted ever increasing interest because of their potential for industrial, residential and recreational development, the productivity of coastal wetlands and offshore fisheries, the promise of energy production, and the intrinsic beauty of the shore. These are only a few of the many values and uses made of the coasts. They are sometimes complementary but not infrequently they are mutually exclusive. The coasts of this state are now viewed as a limited resource which should be managed with care for the long term benefit of its citizens and their economy. The issues involved are complex and nationwide. These issues gave rise to the federal Coastal Zone Management Act passed in 1972.

In New York State the Division of State Planning of the Department of State is undertaking the preparation of a coastal management program in response to the federal act. This work will require close collaboration between state agencies, local government, citizens and interest groups. One of the major problems facing those interested in coastal affairs is understanding the complex web of governmental responsibilities in the coastal zone. It is the purpose of this publication to summarize these governmental programs. This includes the activities of international organizations; federal, interstate, and state agencies; and regional planning boards and special purpose authorities. Maps are provided as a guide to the extent of agency jurisdiction when applicable. The matrices of governmental functions provide a quick reference to agency programs. For a more detailed account of agency programs, a list of

agency addresses and phone numbers, and a copy of the Coastal Zone Management Act see: Governmental Jurisdictions of the New York Coastal Zone, An Analysis of Coastal Programs.

This publication was produced with the considerable assistance of Margaret S. Hall, who prepared the maps and charts, and John Moore, who designed the cover and the layout of the report.

# INTERNATIONAL ORGANIZATIONS AND FISHERY TREATIES

NEW YORK STATE is a member of two quite different coastal communities—the Great Lakes and the Atlantic. As a member of both it may participate in the shaping of international policy, although final agreements may be made only by the federal government. It is most directly affected, however, by the results of such agreements. The organizations which directly affect the New York coastal zone are given in Figure 1, and the pertinent fishery treaties are listed in Table 1.

As a member of the Great Lakes community New York is one of nine states and two Canadian provinces whose territory encompasses the drainage area of the Great Lakes and their connecting rivers (see Figure 2). Its coastline and submerged lands include the entire United States segment of the Niagara and St. Lawrence Rivers and Lake Ontario and the eastern part of Lake Erie (see Figure 3). Two international commissions operate here; they are the Great Lakes Fishery Commission and the International Joint Commission. The Great Lakes Fishery Commission, originally established in 1955 to control the sea lamprey and restore lake trout, is now directing its attention to broader questions of fishery resource management. The International Joint Commission, established in 1909 to mitigate differences concerning the use of boundary waters, has more recently become directly involved in questions of lake levels and water quality.

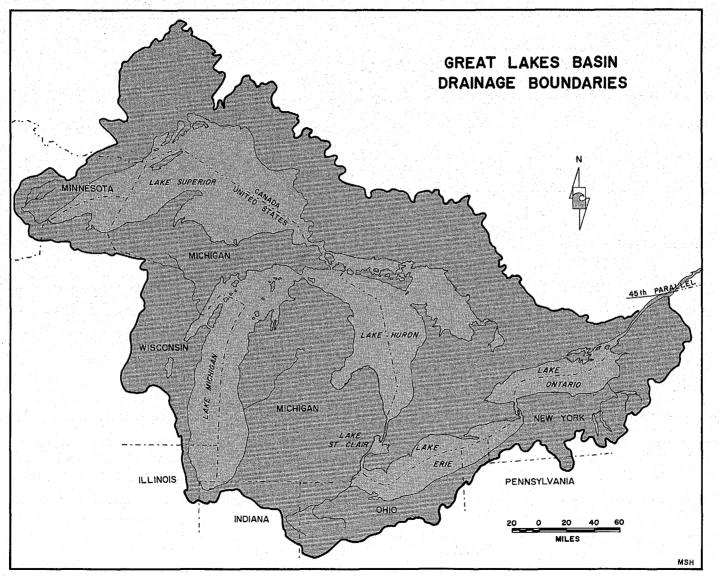
The marine coastal zone of New York State includes New York harbor, the northern and southern shores of Long Island, and the lower Hudson River to the extent of tidal influence at Troy. Although New York State has title to the offshore submerged lands to a distance of three nautical miles and manages the fisheries in these coastal waters, it nevertheless is directly affected by the fishery treaties listed in Table 1 and the Intergovernmental Maritime Consultative Organization (IMCO), which have jurisdiction in international waters. IMCO is concerned with establishing traffic lanes, pollution control, and maritime safety on the high seas, and therefore directly affects maritime commerce passing through New York Bight as it approaches and leaves the port of New York and New Jersey. The fishery treaties regulate fishing in international waters over a broad sweep of the middle Atlantic but do affect fishermen whose home ports are New York City or the several ports of Long Island.

#### FIGURE I

## FUNCTIONS OF INTERNATIONAL COMMISSIONS\*

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INTERNATIONAL JOINT COMMISSION						

<sup>\*</sup>See Appendix B for a definition of matrix categories.



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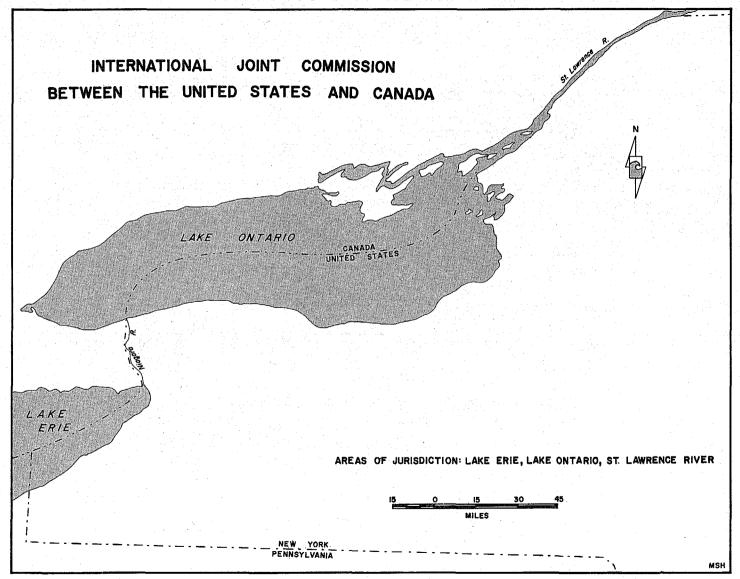


FIGURE 3

TABLE 1: International Fishery Agreements Affecting New York Coastal Waters and Fishermen Sailing from New York Ports

Title and Date International	Termination Indefinite	Member Countries  Bulgaria, Canada, Denmark,	Areas of Geographical Interest Western Atlantic
Convention for the Northwest Atlantic Fisheries, February 1949		Federal Republic of Germany, France, Iceland, Italy, Japan, Norway, Poland, Portugal, Romania, USSR, Spain, U.K., United States	from Cape Hatteras east and north to Davis Strait
International Convention on the Conservation of Atlantic Tunas, May 1966	Indefinite	Japan, Canada, United States, Brazil, France Portugal, Spain, Morocco, Ghana, Republic of South Africa, Korea, Senegal, Ivory Coast	All waters of the Atlantic Ocean
Agreement with the USSR on the Middle Atlantic Fishery, December 1968	December, 1975	USSR and United States	Middle Atlantic area and waters of the 50 to 100 fathoms zone from Rhode Island to Virginia and a small area within the U.S. contiguous zone off New Jersey and Long Island.
Agreement with USSR concerning Claims Resulting from Damage to Fishing Vessels or Gear and Measures to Prevent Fishing Conflicts, February 1973	Indefinite, review in February 1975	USSR and United States	Northeastern Pacific, Bering Sea and Western areas of the Atlantic

Table 1 continued

Title and Date	Termination	Member Countries	Areas of Geographical Interest
Agreement with Poland Regarding Fisheries in the Western Region of the Middle Atlantic Ocean, June 1969	June 1976	Poland and United States	Western region of the Middle Atlantic Ocean and three areas within the U.S. and the contiguous zone off Long Island, New Jersey and Virginia.
Agreement with Canada Concerning Reciprocal Fisheries Privileges, April 1970	April 1976	Canada and United States	The fishery contiguous zone extending along east and west coast of both nations south of 63°N
Agreement with Romania on Fisheries in the Western Region of the Middle Atlantic Ocean, December 1973	December 1975	Romania and United States	Western region of the Middle Atlantic Ocean
Convention on Fishing and Conservation of the Living Resources of the High Seas, April 1958 (entered into force March 1966)	Indefinite	34 countries by January, 1975l	General

Table 1 continued

Title and Date

Termination

Member Countries

Convention on the Indefinite 54 Countries by General

Continental Shelf, January 1975

April 1958 (entered into force June 1964)

Sources: Senate, Magnuson Fisheries Management and Conservation Act, Report of the Senate Committee on Commerce on S. 961, Report 94-416 (from National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, January 1974), September 1975, pages 63-66.

Personal Communication, Department of State.

1. Department of State, <u>Treaties in Force</u>, Publication 8798, Washington, D.C., 1975, pages 345 and 372.

### FEDERAL AGENCIES

THE RESPONSIBILITIES OF federal agencies that affect the use, conservation and management of the resources of coastal lands and waters in New York are listed in Figure 4. These agencies vary greatly in their roles as indicated by the summary notations of the matrices. Departments such as Commerce, Defense and Interior are engaged in programs that directly effect the use of coastal lands, coastal waters and harbors. Other agencies such as the Departments of Agriculture and Housing and Urban Development and the Council on Environmental Quality, for example, carry out responsibilities that although important for the coastal zone are not specifically directed to coastal areas. Their programs, however, are important and must be considered in developing plans and programs for managing coastal resources.

The agencies listed and functions noted in Figure 4 are expected to change in the future as interest in marine fisheries and offshore energy development continues to increase. It is very likely that this area of active development will attract the attention of additional agencies as well as additional private firms as they both seek to be of service in the exploitation of offshore resources.

The jurisdictions of the federal agencies listed in Figure 4 extend throughout the coastal lands. Offshore their jurisdictions vary according to agency and to functional responsibilities. In the Great Lakes jurisdiction extends to the international boundary with Canada. In the marine area the United States now claims exclusive jurisdiction over the resources on and beneath the floor of the ocean as

far as the edge of the continental shelf. Effective in 1977 the United States will claim, with few exceptions, exclusive fishery rights up to 200 nautical miles from shore. Jurisdiction over the use of the surface for navigation remains at the outer limit of the territorial sea, which extends offshore for three nautical miles. For a more complete discussion of offshore agency responsibilities and jurisdictions see: Jurisdictional Zones and Governmental Responsibilities, Marine Ecosystems Analysis (MESA) Program New York Bight Atlas Monograph 22.

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NUCLEAR REGULATORY COMMISSION																					
WATER RESOURCES COUNCIL																					

<sup>\*</sup> The Federal Regional Council is an inter-agency council which coordinates and concentrates the resources of those federal and concerned local agencies working on critical problems.

### INTERSTATE AGENCIES

INTERSTATE AGENCIES LISTED in Figure 5 are either compacts or federal commissions. The compacts are multi-state special purpose agencies approved by Congress. The two basin commissions are federal sponsored water resource planning organizations. Each of the nine agencies are either directly involved or may become directly involved in the affairs of the New York State Great Lakes or marine coastal zones.

The Atlantic States Marine Fisheries Commission is an organization of East Coast states whose purpose is to promote the better management and utilization of their fisheries. Its primary focus is the fisheries resource of the territorial sea including anadromous species. The Great Lakes Commission, formed in 1955, was established to encourage the comprehensive development, use and conservation of water resources and to secure maximum benefit from public investments in works affecting water use and quality. The jurisdiction of this compact extends throughout the Great Lakes basin as indicated in Figure 2. The specific watershed areas in New York State are outlined in Figure 10. The Interstate Oil Compact Commission is an organization of oil producing states and is directed to the effective use management and conservation of petroleum resources. This commission will be especially significant in the coastal zone of New York if gas wells are drilled in Lake Erie.

Both the Interstate Sanitation Commission and the New England Interstate Water Pollution Control Commission were established to improve the quality of interstate waters. The jurisdiction of the

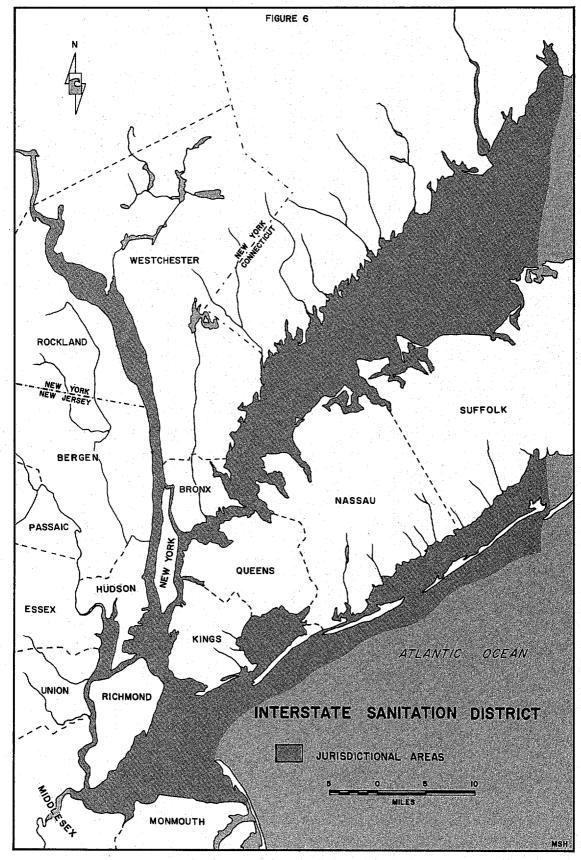
Sanitation Commission, indicated in Figure 6, includes tributary, inland and coastal waters of the New York metropolitan region. The New England Commission area of responsibility within New York State (see Figure 7) is the central and eastern segment of Long Island Sound.

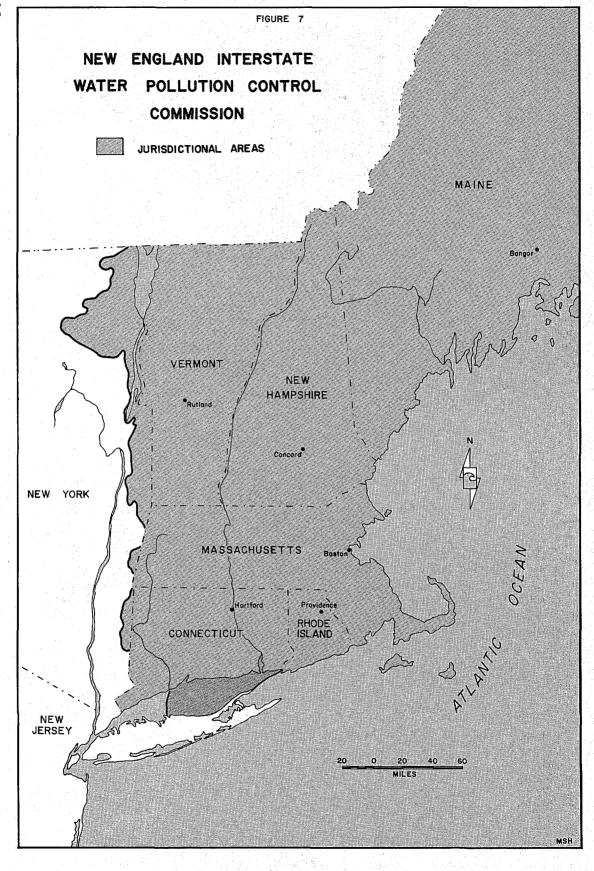
The last two compacts, the Port of New York and New Jersey Authority and the Tri-State Regional Planning Commission, are directed to specific metropolitan New York needs. The Port Authority is a multi-faceted transportation agency operating within an area of from 20 to 30 miles of the Statue of Liberty. The Tri-State Regional Planning Commission area is more extensive. Its jurisdiction, shown in Figure 7, includes the entire metropolitan area. This agency is concerned with the many aspects of immediate and long range comprehensive planning.

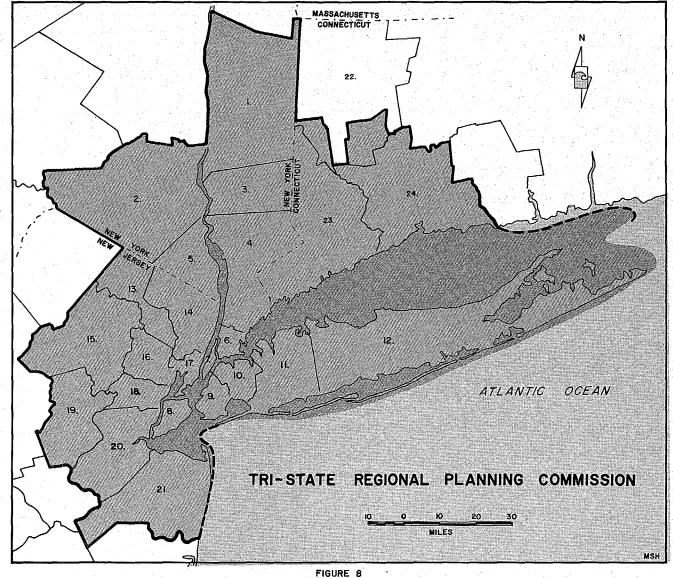
The Great Lakes Basin Commission and the New England River Basins Commission areas of responsibility within New York are delineated in Figure 9. The boundary of the Great Lakes drainage and included counties are shown in greater detail in Figures 10 and 11. The two Commissions were established in 1967 as coordinating agencies for federal, state, local and non-governmental plans for the development of water and related land resources.

## FUNCTIONS OF INTERSTATE AGENCIES

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- 8. RICHMOND
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#### NEW JERSEY

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- 20. MIDDLESEX
- 21. MONMOUTH

#### CONNECTICUT

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- 24. NEW HAVEN

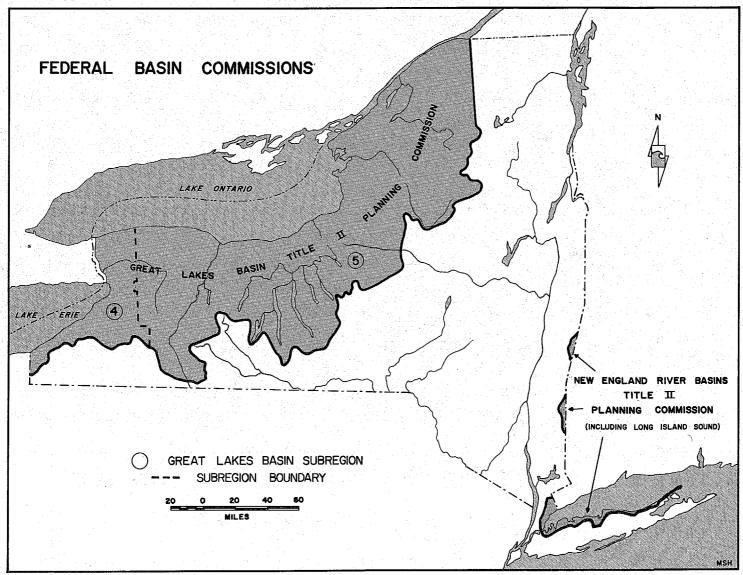


FIGURE 9

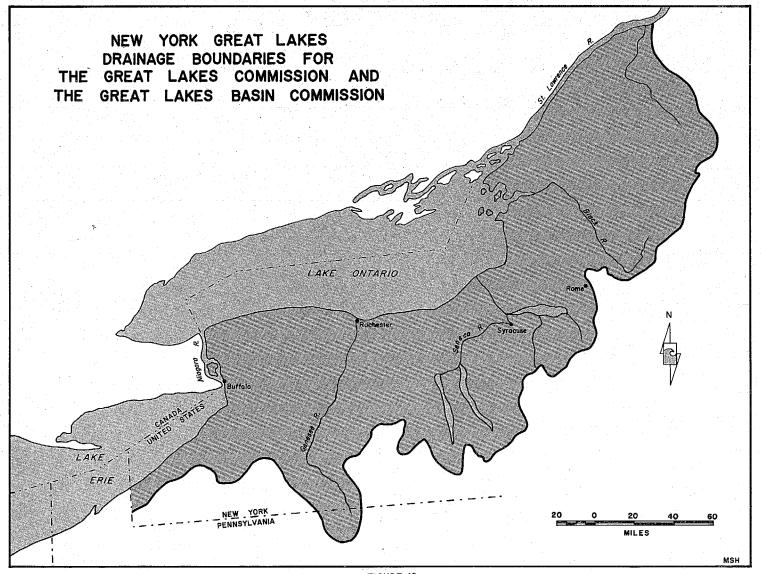


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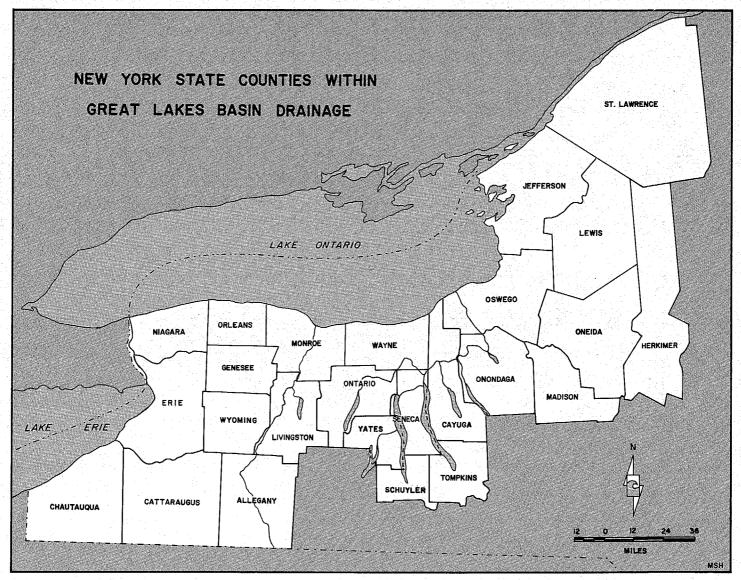


FIGURE II

### STATE AGENCIES

THE STATE OF NEW YORK agencies directly or indirectly involved in coastal affairs are listed in Figure 12. Among the agencies with primary responsibility for the planning, management or conduct of research on coastal resources are the Department of Environmental Conservation, the Department of State, and the Sea Grant Institute. The Department of Environmental Conservation manages the State's recreation and commercial fisheries and the tidal and freshwater wetlands; provides technical support for the coastal zone management program; is responsible for water quality; and manages other natural resources common to the coastal environment. The Department of State through the Division of State Planning is preparing a coastal zone management program. This work is proceeding with the assistance of local governments, regional planning boards, state agencies and public interest groups. The program is in its second work program year. When completed the coastal management program will be presented to the governor and the federal Secretary of Commerce for approval. The Sea Grant Institute is a consortium of the State University of New York and Cornell University. It conducts a program of research, advisory service work and education directed at improving the wise use and conservation of marine and Great Lakes resources. It supports with research and advisory work the state coastal zone management program, related government programs, the state fishery industry and many public and private groups seeking a more effective use of coastal lands and coastal waters.

The Department of Health establishes regulations for sanitary water supplies and reviews water

supply facility plans. The Department of Transportation is involved in upstate port studies. The Office of Parks and Recreation plans and operates coastal public recreation facilities and the Office of General Services manages the extensive submerged lands of the State in the marine and Great Lakes areas. The Cooperative Extension provides advice on agricultural practice and the use of land resources throughout the State and also staffs the Advisory Service component of the Sea Grant Institute. The Environmental Facilities Corporation helps to finance and provides technical assistance for constructing and operating waste water treatment facilities. The Power Authority of the State of New York operates a variety of power generating facilities on the Niagara River on Lake Ontario as well as at other sites in New York State.

### FUNCTIONS OF NEW YORK STATE AGENCIES

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# REGIONAL BOARDS, COMMISSIONS AND AUTHORITIES

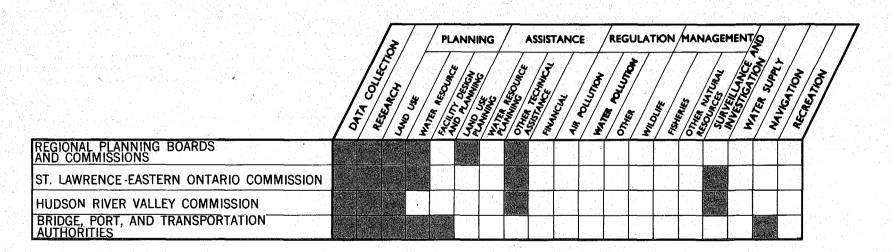
REGIONAL BOARDS, commissions and authorities operate in the coastal areas of the state, providing a wide range of services from planning analysis and assistance to the review of development proposals and the provision of transportation services. Eight multi-county regional planning agencies provide comprehensive planning services in all coastal counties except for those in the Rochester area and in the Mid-Hudson region. Their service areas are designated in Figures 14 and 15. These agencies have worked and are continuing to work with the Division of State Planning in the preparation of a state coastal zone management program. Erie and Niagara Counties, New York City, Nassau-Suffolk and the Tri State planning organizations have produced reports on parts or on the entire coastal zones of their respective. areas.

Two regional state agencies in particularly important parts of the coastal zone have responsibilities for the review of construction developments. The St. Lawrence Eastern Ontario Commission is preparing a comprehensive development plan and reviews development proposals in a zone one town deep on the shores of Lake Ontario and the St. Lawrence River from Cayuga County through St. Lawrence County (see Figure 14). The Hudson River Valley Commission, now a part of the Office of Parks and Recreation, has the responsibility for reviewing developments within a mile of either shore of the Hudson River throughout its full length, which includes the Hudson tidal zone from Troy to the southern tip of Manhattan (see Figure 15).

Bridge, port and transportation authorities operate in a number of areas of the state, providing bridge, port and developmental services. These agencies are listed in Table 2. The bridge authorities provide direct transportation connections with Canada. The port authorities and the regional transportation authorities either operate or are empowered to operate public shipping facilities. The single other state authority in the coastal zone is the Battery Park City Authority which is reclaiming an extensive segment of the lower Manhattan waterfront facing on the Hudson River.

FIGURE 13

### FUNCTIONS OF REGIONAL AGENCIES



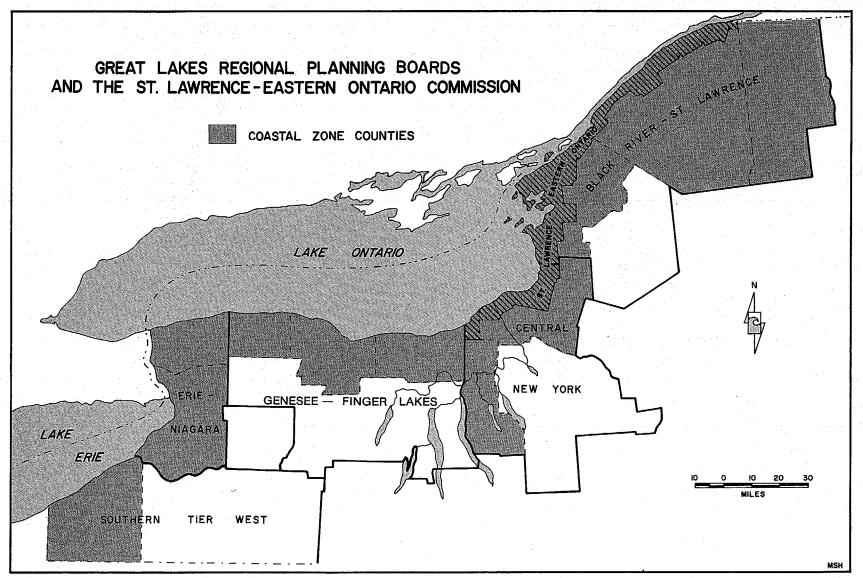


FIGURE 14

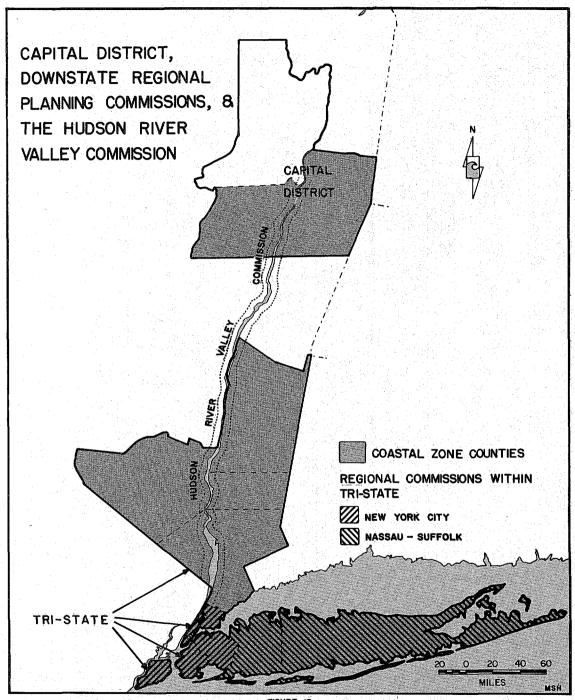


FIGURE 15

Table 2. Bridge, Port, and Transportation Authorities

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Authority or Commission	Date Established	City or County	Authorized Activities
Bridge Authorities Buffalo and Fort Erie Public Bridge Authority	1933	City of Buffalo, N.Y. and Fort Erie, Ontario	Bridge construction, operation, and maintenance
Niagara Falls Bridge Commission	1938	City of Niagara Falls, N.Y. and Niagara Falls, Ontario	Bridge construction, operation, and maintenance
Port Authorities			
Albany Port District Commission	1925	City of Albany and City of Rensselaer	Construction, operation, maintenance, and promotion offull use of terminal and port facilities
Ogdensburg Bridge and Port Authority	1950	St. Lawrence County and Province of Ontario	Construction, operation and maintenance of bridge and port facilities
Port Authority of New York and New Jersey	1921	All or parts of 17 counties in New York and New Jersey	Construction, operation, and maintenance of termina transportation, port, and other commercial facilitie
Port of Oswego Authority	1960	City of Oswego and the Town of Scriba	Development, operation, and promotion of port facilities

Fransportation Authorities			
Capital District Transportation Authority	1970	Albany, Schenectady, Rensselaer, and Saratoga Counties	Continuance, further development, and improvement of transportation and other related facilities
Niagara Frontier Transportation Authority	1967	Erie and Niagara Counties	Continuance, further development, and improvement of transportation and other related facilities.
Rochester Genesee Regional Transporta- tion Authority	1969	Monroe, Orleans, Livingston, Ontario, Seneca, Yates, and Wayne Counties	Continuance, further development, and improvement of transportation and other related services
<u>Other</u>			
Battery Park City Authority	1968	New York City	Recovery and develop- ment of submerged lands

#### APPENDIX

#### **DEFINITION OF MATRIX CATEGORIES**

- Data Collection: Collection of data for agency use or for dissemination.
- 2) Research: Conducting research in support of internal program operations or as a primary function of the agency.
- 3) Land Use Planning: Preparation of land use and related studies for the purpose of directing, advising, or managing the use of land, natural resources, or transportation systems.
- Water Resource Planning: Preparation of plans for the use and regulation of water resources for regions, river basins, streams, harbors, coastlines, or more restricted areas.
- 5) Facility Design and Planning: Design and planning of facilities for air and water pollution abatement, flood control, water supply, power generation, sewage treatment, and related regulatory and protective installations.
- 6) <u>Land Use Planning Assistance</u>: Provision of technical information and assistance to local governments and other agencies for the purpose of preparing land use and related studies.
- 7) Water Resource Planning Assistance: Provision of technical assistance and information to help other agencies in the planning and operation of water resource programs.

- 8) Other Technical Assistance: Assistance in the form of direct staff participation or information for the guidance of public and private programs concerned with the coastal zone and related resources not otherwise associated with land and water resource development.
- 9) Financial Assistance: Help in the preparation of financial grant applications or directly funding programs for the planning, management, or
- 10) Air Pollution Regulation: Responsible for establishing or enforcing air pollution abatement regulations.
- 11) Water Pollution Regulation: Responsible for establishing or enforcing water standards or for cleaning debris and other obstructions from water bodies.
- 12) Other Regulatory Functions: Setting of standards and enforcement of regulations for control of the utilization of resources other than air and water.
- 13) Wildlife Management: Monitoring, control, enhancement, or protection of terrestrial and aquatic wildlife.
- 14) <u>Fisheries Management</u>; Monitoring, control, enhancement, or protection of aquatic living resources.
- 15) Other Natural Resources Management: Monitoring, control, enhancement, or protection of natural resources other than those classed as wildlife and fisheries.
- 16) <u>Surveillance and Investigation</u>: Responsibility for continually monitoring resource utilization or investigating specific situations for the purpose of requesting or initiating legal action to correct an alleged improper use of land or other resources.

- 17) <u>Water Supply:</u> Responsibility for assuring an adequate supply of water from surface or below surface sources.
- 18) Navigation: Assistance to water-borne commerce and water-based recreation through the construction of channels, harbors, and related protective facilities; through the establishment and maintenance of navigational aids; through the regulation of navigation.
- 19) Recreation: Operating recreation facilities in the coastal zone.

#### RELATED SEA GRANT RESEARCH PUBLICATIONS

- Lake Ontario Atlas monograph series. R. Stewart, ed. 8 titles. \$1.50 each. Ask for free flyer.
- MESA New York Bight Atlas monograph series. 33 titles. \$4.00 each. Ask for free flyer.
- Sea Grant Law Journal 1976. 10 articles. 416 pp. Sept 1976. \$5.00
- Coastal Zone Legal References 1976. R.I. Reis, ed. 400 pp. Oct 1976. \$4.50
- 1976 NYS Coastal Legislation Highlights. R.S. Thomas. Sept 1976. \$1.00
- 1975 Legislation Relating to Marine Resources of New York. R.S. Thomas. 23 pp. Sept 1975. 75¢
- 1974 Legislation Relating to New York State's Coastal and Marine Resources. M. Bird. 12 pp. July 1974. 50¢
- A Catalog of Marine Fisheries Legislation in New York State. J.J.C. Ginter. 89 pp. Jan 1974. \$3.00
- Marine Fisheries Conservation in New York State: Policy and Practice of Marine Fisheries Management. J.J.C. Ginter. 70 pp. Jan 1974. \$3.00
- Proceedings of a Workshop on the Shellfish Management Program in New York State. A.C. Jensen, ed. 60 pp. July 1975. 85¢
- The Politics of Shore Erosion: Westhampton Beach. J.M. Heikoff. 173 pp. May 1976. Ann Arbor Science Publ. \$15.00
- Regional Planning Contributions to Coastal Zone Planning in New York State: A Bibliography of Regional Planning Reports. P.D. Marr. 68 pp. Dec 1975. \$1.50
- Alternative Energy Leasing Strategies and Schedules for the Outer Continental Shelf. R.J. Kalter, W.E. Tyner, and D.W. Hughes. Cornell Agricultural Economics Staff Paper. 179 pp. Dec 1975. \$1.00

#### RELATED SEA GRANT INFORMATION

- Single copies of published information free; borrow media products from Sea Grant Advisory Service, Fernow Hall, Cornell University, Ithaca, NY 14853.
- Insight #3: Coastal Zone Management, Fact or Fiction?
  R. Allbee. 6 pp. Sept 1975.
- Insight #5: Landowner Liability, Posting, and Recreational Access. M. Duttweiler. 16 pp. May 1976.
- Marine Trades Flyer #3: Great Lakes Access and Harbors of Refuge Development. C. Gilbert. 1 p. Sept 1975.
- Films: New York Faces the Sea. Color, 16mm, 12.5 min.
  Our Everchanging Shoreline. Color, 16mm, 15 min.
- Slide Set #4: Coastal Consciousness. 50 slides.
- Slide/Tape Program: Great Lakes Fishing and Boating Access. 90 slides, 20 min.
- Cassette tape: The Coastal Zone Management Act of 1972. 24 min. Richard Gardner, deputy director, Office of Coastal Zone Management, NOAA, speaks about the act's issues and policy alternatives. Spring 1973.

#### WHAT IS SEA GRANT?

- Sea Grant in 1975. Annual report. F. Richardson and O. Terry. 24 pp or 5 flyers by topic. Sept 1976. No charge.
- Coastlines. Bimonthly newsletter on coastal activities and research. No charge.
- Catalog of Sea Grant Information. About 60 pp. No charge.

